

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

NICOLE PATRICE FERRELL,

Debtor.

CHAPTER 7

CASE NO. 06-30851-DOT

**SECRETARY OF HOUSING AND URBAN
DEVELOPMENT OF WASHINGTON, D.C.,
HIS SUCCESSORS AND ASSIGNS,**

Plaintiff/Movant.

vs.

**NICOLE PATRICE FERRELL
AKA NICOLE FERRELL
LYNN L. TAVENNER, TRUSTEE,**

Defendants.

MOTION FOR RELIEF

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FIFTEEN (15) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FIFTEEN (15) DAY PERIOD.

**ATTEND THE PRELIMINARY HEARING SCHEDULED TO BE HELD ON
NOVEMBER 18, 2009 AT 11:00 AM IN THE U. S. BANKRUPTCY COURT,
RICHMOND DIVISION, U. S. COURTHOUSE, 701 EAST BROAD
STREET, RICHMOND, VIRGINIA 23219, COURTROOM 5100.**

NOTICE FROM SAMUEL I. WHITE, P. C.

PURSUANT TO THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT, WE ADVISE YOU THAT SAMUEL I. WHITE, P. C., COUNSEL FOR THE PLAINTIFF/MOVANT, IS A DEBT COLLECTOR, ATTEMPTING TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION WE OBTAIN FROM YOU WILL BE USED FOR THAT PURPOSE.

MOTION FOR RELIEF

The Motion of Secretary of Housing and Urban Development of Washington, D.C., his successors and assigns, by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d), and that this matter is a core proceeding.

2. The Debtor filed a Petition under Chapter 13 of the Bankruptcy Code on April 12, 2006. The case converted to a proceeding under Chapter 7 of the Bankruptcy Code on October 6, 2009.

3. The Debtor was the owner of the real property located at 3112 Hunters Trace, Richmond, VA 23223, which property is described as:

ALL that certain lot, piece or parcel of land, with improvements thereon, lying and being in Varina District, Henrico County, Virginia, designated as Lot 32, Block A, Section A, Huntwood, all as more particularly shown on plat of survey by Foster & Miller, P.C., dated June 8, 1993, recorded July 23, 1993, in the Clerk's Office, Circuit Court, Henrico County, Virginia, in Plat Book 97, pages 39 and 40, and to which plat reference is hereby made for a more particular description of the lot hereby conveyed.

BEING the same real estate conveyed to the grantor by deed recorded immediately prior hereto.

4. Wells Fargo Bank, N.A., was the holder of a certain Deed of Trust Note dated April 9, 2002, which Note is secured by a Deed of Trust of even date therewith and duly recorded.

5. A valid Foreclosure Sale was conducted on July 21, 2009, wherein the subject property was purchased by the Noteholder and conveyed to the Plaintiff.

WHEREFORE, Plaintiff respectfully requests in view of the foregoing, that Relief be Granted, so as to allow Plaintiff, its successors or assigns, to pursue its remedies as they exist as to State Law incident to obtaining possession of the subject property.

SECRETARY OF HOUSING AND URBAN
DEVELOPMENT OF WASHINGTON, D.C., HIS
SUCCESSORS AND ASSIGNS

By: **/s/ ERIC DAVID WHITE**
Of Counsel
Samuel I. White, P. C.
Eric David White, Esquire, VSBN 21346
Michael T. Freeman, Esquire, VSBN 65460
1804 Staples Mill Road, Suite 200
Richmond, VA 23230

CERTIFICATE

I hereby certify a true copy of the foregoing Motion was served by regular mail or email this 14th day of October, 2009 on all necessary parties including Lynn L. Tavenner, Esquire Trustee, 20 North Eighth Street, Second Floor, Richmond, VA 23219; Jason Meyer Krumbein, Esquire, Counsel for Debtor, 1650 Willow Lawn Drive, Suite 300, Richmond, VA 23230; and Nicole Patrice Ferrell, Debtor, 3112 Hunters Trace, Richmond, VA 23223.

/s/ ERIC DAVID WHITE

Samuel I. White, P. C.